

ELEMENT 121: STATE LAND USE POLICIES AND PLAN 01 INTRODUCTION

State Guide Plan Element 121, Land Use 2010: State Land Use Policies and Plan, was approved by the State Planning Council on June 8, 1989. It is anticipated that updating will take place in 1993, once necessary data becomes available through the state's Geographic Information System.

This element sets forth a statewide land use policy and plan for Rhode Island for a twenty-year time period - to 2010. The purpose of the element is to guide future land use and development by recommending policies to guide municipalities in implementing their comprehensive planning, zoning, and other land use responsibilities, as well as to guide the state and its agencies in activities directly or indirectly affecting land use. All public entities and private entities receiving public support are expected to carry out any land use activity in a way that is consistent with this element.

The 2010 state land use policies and plan includes a computer-generated map allocating areas in the state to one of four development intensity levels ranging from high intensity development potential to positive conservation potential, shown in generalized form by 10-acre grid squares. The map is intended to illustrate application of the land capability approach to land use planning, as described in Parts 6 and 6 of the plan, but is not intended to provide site-specific development guidance.

The map is based on physical and cultural factors which should influence development (including slope, flood hazard, wetlands, groundwater, natural habitat), as well as infrastructure considerations (public water and sewer service, roads, energy requirements). Because the available computer-coded information is outdated (largely based on 1975-80 information sources) and has important omissions (soils data have not been mapped, and natural habitat data are limited to coastal communities), the resulting map is intended to illustrate the process of capability evaluation and not necessarily to present a recommended portrait of Rhode Island in 2010.

02 GOALS

1. Overall Land Use Goal

To create and maintain within the State of Rhode Island conditions under which man

and nature can exist in productive harmony in order that present and future generations may enjoy clean air and water, productive land, and other natural resources with which this state has been endowed.

2. Population Growth

Relate state land use policies to anticipated population growth in a manner that will maintain or enhance the distinction between urban and rural, and inland and shore environments.

3. Economic Development

Facilitate land use and development that will sustain and promote economic growth consistent with the state's characteristics and environmental objectives.

4. Environment

Guide the development of land and water to produce a healthful, efficient, and aesthetically pleasing environment.

03 POLICIES

The policies are presented under seven topic areas: General Land Development, Water Resources, Energy, Housing, Economic Development, Transportation, and Recreation and Open Space. They are numbered for ease of reference only.

General Land Development

G 1. Conserve natural resources and areas.

G 2. Preserve and enhance the distinctiveness of urban, suburban, village, and rural communities and landscapes.

G 3. Control urban sprawl and scatteration.

G 4. Develop residential, commercial and mixed-use areas that are compactly grouped, attractive, and compatible with the ability of land and water resources to support the development.

G 5. Use open space to control and shape urban growth.

G 6. Relate the use of land to its natural characteristics and varying suitability for development.

G-7. Relate the use of land to the level of public facilities and services available, or planned to be available.

G-8. Promote the establishment of higher residential densities and smaller lot frontages in urban and suburban areas, and town centers, where public water and sewer service is present or planned.

G 9. Promote low overall densities where public services are unavailable and are not planned. Promote the clustering of development in these areas.

G 10. Protect and enhance those values of the coastal region, including scenic values, which contribute to the quality of life of the people of the state. Examine proposals for changes in the coastal region in terms of their importance to the state-as-a-whole.

G-11. Prevent filling of coastal and inland waters and wetlands except when necessary to the health or welfare of the people of the state and there is no other alternative.

G 12. Limit the use of land along the coastline and shores of inland water bodies to water dependent uses, or to mixed-use development in which a water dependent use is combined with other uses. Clarify land uses as "water dependent" and so non-water dependent " according to their characteristics and needs for a location adjoining a water body in order to perform their basic functions.

G 13. Guide development in a manner that will prevent encroachment on floodways, dunes, barrier beaches, coastal and freshwater wetlands, and other natural features that provide protection from storms, flooding, and sea-level rise.

G 14. Preserve historic buildings, districts and archeological sites.

G 15. Encourage development patterns that promote energy efficiency and help attain state air quality objectives.

G 16. Encourage development patterns that protect water and other natural resources.

G 17. Achieve a livable, coherent, and visually pleasing environment.

G.18. Identify and seek to protect and expand greenways of critical state, municipal, and privately-owned protected land.

Water Resources Water Supply

W 1. Identify and protect all current and potential high-quality ground and surface drinking water supplies.

W 2. Manage and develop surface and ground water supply resources in a coordinated and efficient manner on a state, local, and regional level, considering long term needs and environmental impacts.

W 3. Encourage more efficient use of water through conservation, management, and technological innovation. Maximize the water supply potential of existing supply sources, through promotion of conservation and good management practices.

IW-4. Promote state and local development programs and activities that encourage new growth in locations and at densities that will achieve appropriate utilization of existing water supply sources.

W-5. Promote efforts to match the quality of water used by major consumers and/or water use sectors with the water quality level required for such uses in order to conserve our highest quality existing and potential drinking water supplies.

Water Quality

W 6. Prevent degradation of the state's surface and groundwater resources.

W 7. Achieve water quality standards set forth in the state water quality management plan.

W 8. Preserve the ability of freshwater and coastal wetlands to perform their valuable natural functions through stringent protective regulations and enforcement.

W 9. Promote effective enforcement of coastal resource protection. Maintain and improve water quality standards for the state's coastal waters.

W 10. Consider cumulative impacts of development on all surface and groundwater resources.

W 11. Locate public water and sewer facilities so as to shape development in accordance with state land use policies, rather than simply to accommodate growth.

W 12. Locate development causing other than domestic waste discharges in areas served or planned for service by public sewer systems, or where appropriate waste treatment and disposal is provided and maintained in an effective, environmentally-sound manner.

W 13. Minimize the possibility of contamination of water supplies from septic system failure, and from toxic or hazardous materials stored under or on the ground or traveling through the state.

W 14. Promote intergovernmental action to prevent further degradation of freshwater resources as a result of air or precipitation-borne contaminants.

W 15. Assure that the quantity of water made available to an area and the capacity of the treatment and/or disposal system serving the same area are or will be made compatible.

W 16. Mitigate the water quality impacts of stormwater runoff and provide for appropriate drainage controls in all new development.

Energy

N 1. Promote land use development that contributes to energy conservation and increased reliance on renewable energy resources, while assuring dependable sources of fuel supplies to meet long-term energy needs.

N 2. Recognize the varying demands for energy associated with different land use patterns, and encourage patterns which tend to reduce the need for energy.

N 3. Promote hydropower development where measures to resolve or mitigate negative impacts to anadromous fish restoration projects, riverine recreation, and public access, are provided.

N 4. Utilize, guidelines for energy facility design and constructors which seek to prevent adverse environmental effects and land use conflicts.

N 5. Establish locational criteria for power generation plants, and identify the best sites based on statewide, regional, and local considerations.

N B. Capitalize on the potential for combining power facilities in a beneficial way with other land and water use.

Housing

H 1. Promote construction of high quality, energy-efficient, and aesthetically-pleasing residential structures and neighborhoods, to meet the varying needs of all citizens.

H 2. Preserve the identity and special character of the state's towns and places. Foster, a sense of identity and individuality in new housing development.

H 3. Encourage and support the optimum use of the existing housing stock, existing neighborhoods, and existing structures suitable for residential use, in meeting housing needs, including rehabilitation of historic buildings for housing.

H 4. Integrate new housing development in a manner that will preserve and enhance historic and cultural resources.

H 5. Stimulate development of a variety of housing -- in terms of cost, size, location, and design -- to meet the broad range of needs and desires of homeowners and renters, and of all income groups and family sizes.

H 6. Develop and promote innovative land development techniques and apply available technology to make decent housing affordable for low and moderate- income households.

H 7. Relate the location of residential developments and neighborhoods to employment and commercial centers, community facilities and services, and mass transit corridors.

H 8. Promote neighborhood development by locating housing, recreation and education facilities, and shopping areas, in close proximity to one another, with provision for safe pedestrian movement.

Economic Development

E 1. Conserve and enhance desirable existing industrial areas and regional shopping areas, office complexes, and concentrations of service activities so as to maximize the investment and utilization of existing infrastructure.

E 2. Relate industrial and commercial development to overall land use by promoting the use of development controls and performance standards that mitigate conflicts with other land uses and activities.

E 3. Reserve sites and buildings suitable for economic development, including urban infill and redevelopment areas. Prevent their preemption by or conversion to uses with much less demanding locational requirements.

E 4. Stimulate the expansion of economic development activities, including cultural, educational, and research centers, in the central business districts of Rhode Island's municipalities.

E 5. Encourage investment by the public and private sectors that will stabilize and improve economic opportunities in deteriorating urban areas, including preservation and reuse of historic buildings.

E 6. Assure suitable housing opportunities to meet the needs of labor force growth when accommodating major new industrial or commercial development, including development in state-owned industrial parks. Provide a variety of housing options in proximity to major employment generators.

E 7. Plan new or expanded public sewer and water services, highway improvements, and mass transit service, for industrial and commercial development where such development is appropriate in terms of natural constraints of the land, air, and water, and where the area is being developed at an intensity that is consistent with state land use policy and will not promote wasteful use of resources.

E 8. Promote industrial development in proximity to rail transport availability.

E 9. Encourage natural resource-based industry, including fishery, forestry, and an agricultural base in dairy farming, livestock, field crops, pomology, and viniculture, consistent with environmental safeguards.

E 10. Reserve a suitable port access areas for commercial fishing vessels. Encourage coastal development that will provide access and support facilities for commercial and recreational fishery.

E 11. Concentrate coastal industrial development within existing major port facilities that are underutilized.

E 12. Make the most efficient use of state economic development property by matching characteristics and needs of firms with facilities available on site. Limit fully serviced sites, where feasible, to use by enterprises requiring these services and that will contribute most positively to state economic development goals and policies, especially increasing employment.

E 13. Make available for industrial development suitable surplus government land which will not be needed for future public use.

E 14. Recognize the importance of recreation, open space, public access to the shore, and historic resources to the state's economy, in tourism development and in attracting and retaining industry, and endeavor to protect and enhance these resources in economic development siting and design activity.

E 15. Stimulate development of a variety of industrial and commercial facilities in terms of cost, size, location and services, to meet the broad range of needs and desires of business owners and employees.

Transportation General

T 1. Develop and maintain a balanced, integrated, safe, and cost-efficient transportation system, giving full recognition to long-term land use and environmental impacts associated with transportation facilities.

T 2. Locate residential, industrial, commercial and institutional development in a way that will minimize the need for transportation.

T 3. Develop Transportation systems that will help to shape and serve development in accordance with state land use policies, rather than simply to accommodate growth.

T 4. Provide a variety of transportation modes designed to meet the differing needs of different people, activities, and purposes of travel, and the needs of industry and commerce, within the framework of current and planned land development patterns.

T 5. Relate the design and location of transportation facilities positively to the natural and cultural landscape. Provide a high aesthetic quality in the transportation system.

T 6. Consider likely future transportation needs in current land development projects. Provide adequate capacity to accommodate anticipated future growth.

T 7. Establish and enforce transportation safety measures, and design and maintain the transportation network to avoid or minimize transportation-related negative impacts on the environment, including adverse effects of noise, air emissions, road salting, stormwater runoff, and hazards to vehicles, travelers, pedestrians and wildlife.

T 8. Consider regional transportation requirements and coordinate with neighboring states in the earliest stages of system and project planning to assure compatible planning and execution of transportation projects.

Auto

T 9. Maintain the functional integrity of existing and planned roadways through appropriate land use controls and design standards in order to alleviate congestion, promote safety, and reduce the need for new highways.

T 10. Support highway beautification programs, including landscaping, cleanups, sign control, and screening of junkyards and other objectionable uses.

T 11. Design parking areas and structures to enhance the attractiveness of the adjacent development, and to minimize runoff and other negative environmental impacts.

T 12. Incorporate the transportation access requirements of emergency vehicles and services in transportation and land development projects.

Mass Transit

T 13. Promote concentrations of high density housing and employment near mass transit routes and terminals, and take other actions to support mass transit and to lessen dependence on the automobile.

T 14. Introduce innovative public transportation, such as waterborne vessels, light rail, and demand-responsive service, where feasible and where desirable to support land use development patterns.

T 15. Locate terminal facilities and operate public transit in a manner that will facilitate transfer of passengers between all travel modes.

T 16. Provide integrated transit service for population groups with special needs, to promote mobility and access to facilities and services.

Airports

T 17. Maintain and improve the existing state airport system to meet the travel demand of residents, businesses, and tourists, in a safe, efficient, and environmentally sound manner, as part of the overall state transportation network.

T 18. Develop land in the immediate vicinity of airports in a manner that will be compatible with airport operations. Seek to minimize adverse impacts, if any, to preexisting land uses.

Goods Movement

T 19. Provide for the convenient internodal transfer of freight at terminal facilities; improve access to terminals for a variety of modes.

T 20. Maintain and improve port facilities for port uses; promote diversification of use for surplus port property, providing that coastal access is maintained or enhanced.

T 21. Prevent destruction of rail lines and rights of way that may have potential for future use.

T 22. Establish and enforce safety regulations to control potential environmental damage from hazardous materials transported to or through the state.

Fuel-less Modes

T 23. Recognize opportunities for non-mechanized forms of transportation to meet certain transportation needs -- including walking, bicycling, and horse-borne transportation -- and actively promote options for their use in existing and new development.

Recreation and Open Space

R-1. Create open space systems and corridors that protect complete ecologic units and provide structure and character to the built environment.

R-2. Preserve and enhance wildlife, fish, and plant species diversity and stability through habitat protection and enhancement, and prevention or mitigation of adverse impacts of human activities.

R- 3. Protect rare and unique geologic or other natural features.

R-4. Retain open spaces large enough to serve as wildlife habitat, store flood waters, abate air and water pollution, provide a sense of openness, and serve as buffers and aesthetic amenities to existing development.

R-5. Preserve and protect significant coastal and island resources, including coastal marshlands, distinctive topographic features, flood plains, sand dunes and bluffs, sand beaches, and wildlife habitats.

R-6. Attach special importance to providing a diversity of recreational opportunities accessible to the inhabitants of urban and metropolitan areas.

R-7. Continue efforts to expand the quantity and quality of state-wide, community-wide, and neighborhood recreational opportunities.

R-8. Expand close-to-home recreation opportunities. Capitalize on multiple-use of appropriate existing public land and facilities in residential areas and encourage provision of recreation areas in new development.

R 9. Preserve, and where necessary restore, rivers and inland waterbodies and their adjacent shorelands for recreational use, wildlife habitat, water supply, and the open space corridors they provide.

R 10. Expand public access to the coastline and to inland waterbodies by preserving existing recorded public access ways, seeking to maximize the access potential of existing committed shorelands, acquiring key access points, and stipulating access opportunities in new shoreline developments.

R 11. Recognize the state's scenic rural landscapes, roads and vistas of Narragansett Bay as important cultural and economic resources, and act to preserve them. 121.8

R 12. Further the identification and strict protection of state and national register properties and historic districts as an integral part of preserving Rhode Island's cultural landscapes.

R 13. Continue efforts to preserve the best farmland in the state for active agricultural use.

R 14. Protect and manage forest resources to meet the demands for forest products, recreation, water supply, wildlife habitat, and a high quality environment.

R 15. Manage coastal and inland floodplains to protect their natural functions and to minimize flood hazards to life and property.

04 ISSUES ADDRESSED

This element addresses eight land use issues that were identified in the state's first land use plan as the most significant facing Rhode Island in 1975, and which are still relevant to Rhode Island today. They are:

A. -Relating development to land capability.- Nearly all land in the state is zoned for some form of urban use, regardless of whether it is suitable for development in terms of soil characteristics and other factors.

B. Relating the level of development to the level of public services: Intensive development may occur without adequate public facilities and services, or very low-density development makes inefficient use of services that are available.

C. Protecting valuable natural resources and areas: Many of the identified significant natural areas in the state are threatened by urban development, lacking protection under present laws.

D. Providing housing for all residents: Many income and age groups in the state have little housing choice, and a considerable amount of land is zoned to exclude moderate-income and multi-family housing.

E. Reserving adequate areas for economic development: Only a small percent of the state's industrially-zoned land is actually prime industrial acreage.

F. Retaining open space to balance urban development: The state is urbanizing in a sprawl pattern that will leave few large areas of open space.

G. Recognizing the areawide aspects of development decisions: Development decisions in a community may affect several communities or the whole state.

H. Producing a visually pleasing environment.- Much development shows a need for better design. New development too often degrades rather than upgrades our urban and rural environments.

05 STRATEGIES

The overall approach to land use planning presented in Land Use 2010 is outlined in 22 strategies:

Procedural

1. The delegation of land use authority from the state to municipalities shall make clear that the broadest range of innovative as well as traditional land use management devices and concepts are available to local government to carry out its responsibilities.

2. The state and each municipality shall jointly work to bolster the ability of local government to evaluate development proposals, enforce regulations, and positively guide development so as to achieve the purposes of the municipality's comprehensive plan.

3. The state and each municipality shall encourage extensive public participation in all matters pertaining to planning and managing land use.

4. The blueprint for the development of land in each municipality shall be contained in its comprehensive plan, duly adopted by the municipality's legislative body. The minimum components of this plan shall be consistent from community-to-community, being set forth under state regulations.
5. The comprehensive plan shall be consistent with state goals and policies, including those established in this land use plan and with goals and policies of neighboring municipalities along common borders.
6. To achieve the blueprint set forth in the municipality's comprehensive plan, each municipalities zoning map and regulations shall accurately reflect the layout of land uses and goals and policies contained in that plan.
7. Each Municipality shall provide for the administration of its land use regulations and permits, including enforcement, in a manner that will help achieve the provisions and purposes of its comprehensive plan, zoning statute, and any other locally- adopted ordinance designed to regulate land development.
8. Each municipality shall provide for coordination of its permit systems and review procedures with those of other governmental agencies, where applicable, to encourage timely and efficient review of development proposals.
9. The state shall maintain and from time-to-time amend this land use element of the State Guide Plan. Adoption and amendment of any element of the State Guide Plan shall require approval of the State Planning Council, after notification to each municipality, and subsequent to the holding of one or more public hearings.
10. Local comprehensive plans shall reflect changes, where applicable, in duly- amended elements of the State Guide Plan.
11. The state, shall not contravene the provisions of duly adopted and state-accredited municipal comprehensive plans and zoning ordinances. It shall support municipal land management capacity by providing technical assistance, information, and, where necessary, financial and/or legal assistance.
12. Duly adopted elements of the State Guide Plan, setting forth goals, policies, and the general arrangements of land uses, are to provide the basis for state reviews of state/ local/ quasi governmental and state funded or regulated projects and plans for which conformance with state goals and policies is required.
13. A mechanism shall be established for the joint municipal-state review of proposed development in any designated Area of State Concern (ASC) and of any proposed development that meets the threshold criteria for Developments of State Concern (DSCs). Guidelines for designating and evaluating ASCs and DSCs shall be adopted by the State

Planning Council, after local nomination and review, and shall be binding upon both local and state review agencies.

Substantive

14. Each municipality is encouraged to learn about and adapt innovative development concepts, including : clustering provisions for residential, commercial, or mixed use development, including density bonuses; planned unit development; zero lot line development; resource protection overlay zones; special zones for development along major highways; performance-based use designation, transfer of development rights; and the like; to best meet its goals for land use.

15. Each municipality has a responsibility to assure that those who adopt, administer, review, and/or enforce its land management laws, regulations and activities, have the necessary familiarity with the municipality's comprehensive plan, zoning ordinance and related laws, regulations, and requirements, to carry out their responsibilities in an informed and professional manner. As local plans become more comprehensive, the need for technical capability for planning, zoning, and conservation commissioners becomes increasingly important. State assistance in the form of training programs, workshops, educational materials, and certification procedures, shall be made available to municipal officials.

16. Each municipality is encouraged to make commitments for its future pertaining to the type and configuration of land development it wishes to encourage, protect and develop, and to tailor its comprehensive plan and zoning ordinance accordingly. Examples include:

Objective: promote economic development

Method

designate appropriate sites for industrial/commercial development, and provide infrastructure to these sites; prepare for spin-off development and support services, and assure housing to meet the needs of the expected additional workforce.

Objective: preserve agriculture

Method

establish exclusive farm zones; encourage purchase of development rights; permit limited, clustered residential and/or neighborhood commercial development at the corners of large agricultural properties to allow landowners to benefit from increased land values, provide rural living options for non-farmers, while preserving productive agricultural land.

Objective: provide recreation space

Method

require donation of or deed restrictions for recreation land in new development; Project future recreation needs, identifying suitable sites, and purchasing and/or seeking donation of these sites; zone existing private recreation sites for recreation use.

Objective: protect/enhance access to salt and/or fresh water shores

Method

preserve dedicated and "customarily used" access ways; require public access at all shoreline developments that use public funds/subsidies or resources (such as tidal lands); negotiate for public access at private shoreline developments; capitalize on street ends which extend to the water to provide public access; protect scenic views through sight-line easements and height limits.

Objective: provide a range of housing choice

Method

zone suitable areas for higher density/multi-family units; permit density bonuses under specified conditions; provide a system of transferable development rights; provide for accessory apartments.

Objective maintain efficient, safe, and attractive roads

Method

control curb cuts along state and rural roads; require parallel access roads for development. along highways; encourage developer-provision of bicycle and pedestrian paths; provide for areas of mixed-use and higher-density development; locate residential development near schools/shops; modify road design to regulate traffic flow based on functional classification of highway.

Objective: maintain urban/village centers

Method

limit higher density development to areas within or contiguous to existing or planned centers; provide needed infrastructure to support development in these areas, while limiting extension to areas planned for low density development; locate schools and other public facilities in or near village centers.

17. Each municipality is encouraged to use land capability data to designate areas suitable for various intensities of development.

18. Each municipality is encouraged to fully utilize its areas suitable for development, and scheduled for development in its comprehensive plan, to achieve the highest appropriate use intensities consistent with resource capabilities and development needs.

19. To be effective in guiding development to appropriate areas and reducing development pressure in inappropriate areas, allowance of sufficient capacity for expected growth, provision of infrastructure, and similar measures to create the preconditions for development, should be associated with areas of high and moderate development potential.

20. The use of site plan review to encourage development while protecting resources and enhancing aesthetic goals should become routine for all new development, other than minor additions or alterations. The site plan review process should logically relate to the scope of the proposed development. Small-scale development would be subject to professional planning staff site plan review while large-scale development may be subject to planning board or zoning board site plan review.

21. The needs of resource protection should receive equal weight to the needs of land development in state and local plans, policies, and programs affecting land use.

22. All state agencies shall be guided by the goals and policies and general designation of use intensities presented in duly adopted comprehensive plans of each municipality.

06 RECOMMENDATIONS

More than one hundred recommendations to implement the goals and policies of Land Use 2010 are presented under the same seven subject headings as the Policies. A separate recommendation calls for state encouragement of new growth centers that incorporate the concepts of this element.

The Recommendations are considered to be an agenda for further action by the state and/or by municipalities.